

## REMARKS

Claims 1-31 remain in this application. Claims 2-3, 8-10, 13-16, 21-23, 25-28, and 31 are previously or presently withdrawn. Claims 1-3, 8, 11, 18, 20-21, and 29 have been amended. Notice that some of the withdrawn claims have been amended. No claims have been added or cancelled. The Applicants respectfully request reconsideration of this application in view of the above amendments and the following remarks.

### 35 U.S.C. §102(e) Rejection - Matsuo

The Examiner has rejected claims 1, 4-7, 11-12, 17-20 and 29-30 under 35 U.S.C. §102(e) as being anticipated by Japanese Patent Application No. JP 2000-0197377 issued to Matsuo (hereinafter "Matsuo-JP"). The Applicants respectfully submit that the present claims are allowable over Matsuo-JP.

Claim 11 recites a method comprising, *"receiving an email including configuration information at an appliance that already has instructions stored on a storage medium thereof to reconfigure the appliance based on the configuration information; and reconfiguring the appliance based on the configuration information"*. Matsuo-JP does not teach or reasonably suggest these limitations. In particular, Matsuo-JP does not teach or reasonably suggest either: (a) reconfiguring an appliance; or (b) an appliance that already has instructions to reconfigure the appliance based on the configuration information.

Firstly, Matsuo-JP discusses system **construction** works (see e.g., title and the first line of the abstract). As understood by Applicants, Matsuo-JP discusses initial **installation** of a configuration file in a customer system (see e.g., the last line of the

abstract). Applicants submit that Matsuo-JP does not teach or reasonably suggest **reconfiguring** an appliance.

Secondly, in paragraph [0099], Matsuo-JP discusses sending a configuration file program in executable form to a customer directly from the configuration file generation server by means of e-mail and to install the configuration file automatically. Applicants submit that Matsuo-JP does not teach or reasonably suggest receiving an email including configuration information at an appliance that **already** has instructions stored on a storage medium thereof to reconfigure the appliance based on the configuration information.

Anticipation under 35 U.S.C. Section 102 requires every element of the claimed invention be identically shown in a single prior art reference. The Federal Circuit has indicated that the standard for measuring lack of novelty by anticipation is strict identity. *“For a prior art reference to anticipate in terms of 35 U.S.C. Section 102, every element of the claimed invention must be identically shown in a single reference.”* In *Re Bond*, 910 F.2d 831, 15 USPQ.2d 1566 (Fed. Cir. 1990).

For at least these reasons, claim 11, and its dependent claims, are believed to be allowable over Matsuo-JP. Independent claims 1, 18, and 29, and their respective dependent claims, are also believed to be allowable for one or more reasons similar to those discussed above.

### **Taking of Official Notice**

The Examiner has taken Official Notice that email encryption/decryption was well known in the art at the time the invention was made. However, as understood by Applicants, it was not well known in the art at the time the invention was made to encrypt or decrypt an electronic data file or email having configuration information to configure

or reconfigure an appliance. Accordingly, applicants hereby request that the Examiner either provide a reference in support of the assertion, or set forth facts supporting the assertion in an Examiner's affidavit, or that the Examiner otherwise withdraw the rejection. See e.g., MPEP 2144.03 (C).

Likewise, the Examiner has taken Official Notice that email authentication and confirmation was well known in the art at the time the invention was made. However, as understood by Applicants, it was not well known in the art at the time the invention was made to authenticate or confirm an electronic data file or email having configuration information to configure or reconfigure an appliance. Accordingly, applicants hereby request that the Examiner either provide a reference in support of the assertion, or set forth facts supporting the assertion in an Examiner's affidavit, or that the Examiner otherwise withdraw the rejection. See e.g., MPEP 2144.03 (C).

### **Conclusion**

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance. Applicants respectfully request that the rejections be withdrawn and the claims be allowed at the earliest possible date.

### **Request For Telephone Interview**

The Examiner is invited to call Brent E. Vecchia at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request For An Extension Of Time**

The Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.

### **Charge Our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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